



VON SIMSON & CHIN LLP

CHARLES VON SIMSON  
Attorney at Law  
62 William Street · Sixth Floor  
New York, New York 10005  
ph 212-514-8645  
direct dial 212-514-8652  
fax 212-514-8648  
cvs@vsandc.com

February 1, 2008

VIA ECF FILING; COURTESY COPY BY FEDERAL EXPRESS

Hon. Robert W. Sweet  
United States District Court  
Southern District of New York  
500 Pearl Street, Room 1920  
New York, New York 10007

Re: Timothy Gusler v. Matthew Fischer, Salvatore Guerrieri, Peter J. Listro Associates, Inc., Unisar, Inc., Avita Corporation, Target Corporation, Toys "R" Us, Inc., Amazon.com, Inc., Chelsea & Scott, Ltd. and Wal-Mart Stores, Inc.,  
Case No. 07 CV 9535 (RWS)

Dear Judge Sweet:

This firm represents plaintiff Timothy Gusler in the referenced action. At the motion hearing on January 30, 2008 regarding defendants' motions to dismiss and motion to stay discovery, the Court denied the motion to stay discovery from the bench. The Court took defendants' motions to dismiss under consideration.

The initial conference scheduled for January 23, 2008 was adjourned pending the hearing of defendants' motions. In light of the Court's ruling denying defendants' motion to stay discovery, plaintiff respectfully requests that the Court order an initial conference so that discovery may begin.

I contacted counsel for defendants to notify them that I intended to request an initial conference. Counsel for defendants declined to join my request.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Charles von Simson', written over the typed name.

Charles von Simson

Hon. Robert W. Sweet  
February 1, 2008  
Page 2

cc: Sheldon Palmer, Esq.  
Phillip Furgang, Esq.

(counsel for defendants Peter J. Listro Associates, Inc., Unisar, Inc., Target Corporation, Toys "R" Us, Inc., Amazon.com, Inc., Chelsea & Scott, Ltd. and Wal-Mart Stores, Inc., by ECF filing and email)

Michael Rackman, Esq.  
Jeffrey Kaden, Esq.  
Yuval Marcus, Esq.  
David Jaroslawicz, Esq.

(counsel for defendants Matthew Fischer and Salvatore Guerreri, by ECF filing and email)